



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 8, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1608

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116520.

The City of Houston received a request for all police reports involving Kenneth Dickson during his residence at a specific location. You state that basic information has been released to the requestor. However, you claim that the remaining information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

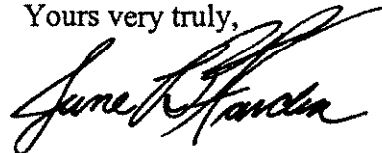
Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You contend that three categories of responsive documents exist. Exhibits 2 and 3 contain incident reports in which Mr. Dickson was named as the complainant. You

contend that this information may be withheld under section 552.108(a)(1) because the "possibility exists for further investigation and/or prosecution in relation" to these crimes. We believe that you have shown that the release of Exhibits 2 and 3 would interfere with the detection, investigation or prosecution of crime. Therefore, these exhibits may be withheld under section 552.108(a)(1). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 (1978). *See* Open Records Decision No. 216 (1978).

You next contend that the information in Exhibit 4 is excepted from disclosure by section 552.108(a)(2). Exhibit 4 consists of an offense report in which Mr. Dickson was named as a suspect. You state that the report may be withheld under section 552.108(a)(2) because the information relates to a criminal investigation "that did not result in conviction or deferred adjudication." A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You state that Mr. Dickson was arrested and charged with four Class C charges. However, all charges were subsequently dismissed. We conclude that you may withhold Exhibit 4 under section 552.108(a)(2).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 116520

Enclosures: Submitted documents

cc: Ms. Yvonne Dickson  
2400 Briarwest Blvd., # 702  
Houston, Texas 77077  
(w/o enclosures)